

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

BRENDA IGLESIAS,

Plaintiff,

-v-

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No. 2:22-cv-25

ORIGINAL COMPLAINT

Plaintiff Brenda Iglesias brings this complaint under the Federal Tort Claims Act, 28 U.S.C. § 2674. Plaintiff complains of the United States of America and would show the following:

PARTIES

1. This case arises out of bodily injuries caused by a Department of Homeland Security employee, Aaron Britton, who failed to yield the right of way at a red light, which caused a collision with Plaintiff.

2. Plaintiff is Brenda Iglesias. Plaintiff resides in Del Rio, Texas, and she may be served through the undersigned counsel.

3. Defendant is the United States of America. United States Customs and Border Protection, an agency of the Department of Homeland Security, was the employer of Mr. Britton at the time of the accident. Mr. Britton was acting in the course and scope of his employment with the United States and driving a vehicle owned by the United States at the time of the accident made the basis for this suit.

JURISDICTION, SERVICE, & VENUE

4. The United States District Court for this district and division has jurisdiction because this action is brought pursuant to and in compliance with 28 U.S.C. §§ 1346(b), 2671–2680, commonly known as the Federal Tort Claims Act.

5. The United States of America may be served with process in accordance with Rule 4(i) of the Federal Rules of Civil Procedure by serving a copy of the Summons and Complaint on United States Attorney Ashley C. Hoff, United States Attorney for the Western District of Texas, by certified mail, return receipt requested at her office:

Ms. Stephanie Rico
Civil Process Clerk
Office of the United States Attorney
Western District of Texas
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216-5597

6. Service is also affected by serving a copy of the Summons and Complaint on Merrick Garland, Attorney General of the United States, by certified mail, return receipt requested at:

The Attorney General's Office
ATTN: Civil Process Clerk
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e) because the United States is the Defendant, and a substantial part of the events or omissions giving rise to the claim occurred in this district and division.

LIABILITY OF THE UNITED STATES

8. This case is commenced and prosecuted against the United States of America in compliance with Title 28 U.S.C. §§ 2671–2680, the Federal Tort Claims Act. Liability of the United States is predicated specifically on 28 U.S.C. § 2674 because the

personal injuries and resulting damages of which the complaint is made were proximately caused by the negligence, wrongful acts and/or omissions of employees and/or agents of the United States of America working for the United States Department of Homeland Security, while acting within the scope of their office, employment, and/or agency under circumstances where the United States of America, if a private person, would be liable to the Plaintiff in the same manner and to the same extent as a private individual.

9. The United States Department of Homeland Security is an agency of the United States of America. The Defendant United States of America, through its agency, the United States Department of Homeland Security, at all material times owned, operated, controlled, and staffed its facilities and vehicles with its agents, servants and employees.

10. At all material times, Mr. Britton and all persons involved in supervising Aaron Britton were agents, servants, or employees of the United States of America or its agency, and they were at all material times acting within the course and scope of their employment.

JURISDICTIONAL PREREQUISITES

11. Pursuant to 28 U.S.C. §§ 2672 and 2675(a), the claims set forth here were filed with and presented administratively to the Department of Homeland Security on May 27, 2021. On November 24, 2021 the United States of America finally denied, in writing and by certified mail, return receipt requested, the claims of Brenda Iglesias. This lawsuit was filed within six (6) months of the final denial of Plaintiff's claims.

12. Accordingly, Plaintiff has complied with all jurisdictional prerequisites and conditions precedent to the commencement and prosecution of this suit.

FACTS

13. This is a Federal Tort Claims Action for monetary damages sustained by Plaintiff arising out of the personal injuries to Plaintiff as a result of the negligent operation of a vehicle by Aaron Britton.

14. This accident occurred on May 12, 2021 in Del Rio, Texas.

15. Mr. Britton was travelling North on Veterans Boulevard., and he was approaching Cantu Road. Mr. Britton owed a duty of reasonable care to Plaintiff and others while operating the vehicle on a public road.

16. Mr. Britton initiated a right turn onto Cantu Road while having a red light.

17. Mr. Britton negligently failed to yield the right of way to Plaintiff as she proceeded through the intersection with a green light. Plaintiff suffered personal injuries and property damages that were proximately caused by Mr. Britton's negligence.

CAUSE OF ACTION

18. Through its employees, agents, or servants, the Defendant, United States of America, was negligent in one or more of the following respects:

- a. Failing to yield the right of way to Plaintiff.
- b. Failing to maintain proper and safe control of the vehicle;
- b. Failing to maintain a proper and safe speed of the vehicle;
- c. Failing to maintain a safe and proper lookout for other vehicles;

19. At all material times, the employees, agents, or representatives of the United States Government were negligent and proximately caused the injuries sustained by Plaintiff.

DAMAGES

20. As a proximate result of the Defendant's negligent acts or omissions, Plaintiff

suffered injuries, which would not have occurred otherwise. Plaintiff pleads for all damages available under Texas state law, federal law, and equity, including:

- a. Past and future pain and suffering;
- b. Past and future mental anguish;
- c. Past and future physical impairment and disability;
- d. Past and future physical disfigurement;
- e. Past and future loss of income and impairment of earning capacity;
- f. Past and future reasonable charges necessary for medical care, nursing, hospital, rehabilitation services, custodial care, health care, supplies, attendant care expenses and other health services;
- g. Out-of-pocket expenses;
- h. The loss of enjoyment of life by Plaintiff;
- i. Property damage; and
- j. Reasonable and necessary attorney fees to extent recoverable at the maximum rate allowed.

21. Plaintiff hereby pleads for all damages available under Texas state law, federal law, and equity, including:

- a. Past and future pain and suffering;
- b. Past and future mental anguish;
- c. Past and future physical impairment and disability;
- d. Past and future physical disfigurement;
- e. Past and future loss of income and impairment of earning capacity;
- f. Past and future reasonable charges necessary for medical care, nursing, hospital, rehabilitation services, custodial care, health care, supplies,

attendant care expenses and other health services;

- g. Out-of-pocket expenses;
- h. The loss of enjoyment of life by Plaintiff;
- i. Property damage; and
- j. Reasonable and necessary attorney fees to extent recoverable at the maximum rate allowed.

22. Plaintiff pleads for all other damages, pecuniary or otherwise, arising out of law or equity, that she may be justly and equitably entitled to, in the wisdom of the Court.

PRAYER

Plaintiff requests that Defendant be cited to appear and answer this Complaint; that upon final trial, Plaintiff have judgment against Defendant, for the amount of actual damages and for other and different amounts as she shall show by proper amendment before trial; for post-judgment interest at the applicable legal rate; for all Court costs incurred in this litigation; and for such other relief, at law and in equity, both general and special, to which Plaintiff may show she is entitled to and to which the Court believes her deserving.

Respectfully submitted,

s/C. Ashley Callahan

C. Ashley Callahan

State Bar No 24027545

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